1   A   Okay.

2   Q   Okay. Now, they've done all this. If it's during

3   the daylight hours, presumably people are still busy so they

4   haven't seen that somebody from a remote computer has seized

5   your, your terminal, correct?

6   A   All right.

7   Q   Okay, and now their mission is to go in to your

8   paging software and reconfigure your paging subscriber list so

9   that a pager on one frequency will be chained to also go off

10 on another frequency, correct?

11   A   Well, I think you're making it sound a lot more

12 complicated than it really is. But it's not that complicated.

13 They're not going to get in to our subscriber base, they're

14 not going to get in to our billing cycles. I mean, I think

15 you're trying to blow this up a little bit. What they do is

16 they get in there and here's the CRT and it says, "Enter your

17 number," okay, and you enter 1212. Okay, then you just go

18 right on down and it's --

19   Q   Let's stop there. What's -- 1212 is what?

20   A   I'm just saying that's a -- I'm just -- what -- just

21 make any number XXXX, for an example. 1212 --

22   Q   Please. You're getting way, way too far ahead of

23 me. I don't understand. The -- what is 1212?

24   A   It would just be the last four digits of the paging

25 number. That's what the Commonwealth sees.

1   Q   Why would somebody type in 1212 as opposed to

2   anything else?

3   A   I said I just pulled that out. It could be 111 --

4   in other words, you enter four numbers, whatever they would

5   select.

6   Q   Okay. So, the saboteur would know enough about how

7   a paging system operates to know that if you simply entered

8   four numbers those would -- could be identified with a

9   customer's four-digit paging number. Is that what you're

10 saying?

11   A   It will only accept four numbers, so when they hit

12 their fourth number it's going to go to a pager --

13   Q   Okay.

14   A   -- if their number happened -- if that block happens

15 to be installed, you know.

16   Q   I follow. But, but see, you know, I --

17 Mr. Raymond, I wouldn't necessarily know that a paging number

18 or a paging terminal would work that way. But somebody in the

19 paging business like you would, correct?

20   A   No. I think anyone in the paging business would

21 know that.

22   Q   Okay. So, they've gone in to your programming

23 system, they get a menu did you say that comes up on the

24 screen?

25   A   They would get what would be on, on the screen at

1   that time, yes, sir.

2   Q   Okay. Now, I, I presume the thing doesn't flash up

3   and say, "Instructions for saboteur," right? I'm being

4   facetious, obviously, but it doesn't say that does it?

5   A   No.

6   Q   Okay. So, walk me through how the saboteur is going

7   to, to do this, this chaining thing again. And I know you

8   were starting to do it but you were getting way too far ahead

9   for me.

10   A   Well, first of all, most likely there would be a

11   pager that's programmed on the screen already appearing, okay?

12   Q   Okay.

13   A   But you used the term main menu. So, if it happened

14   to be main menu I think it's like -- it would say "Edit" and

15   it says "1, Edit," hit key number one to edit. So, you hit

16   number one and now you're -- it's asking you enter your

17   number, I think or something to that -- you would enter four

18   digits, XXXX. You hit return. That would appear on the

19   screen. On the screen -- and I may miss some of these because

20   I don't program as much.

21   Q   Sure. I understand.

22   A   Your -- the first thing would be the number. The

23   second thing is an account function which we don't use. We

24   use that as coding for us. Then it says -- you know, now this

25   is just walking you right -- I mean, his walks you through it.

1 It says, "Valid or invalid." You know, I mean, if you want

2 valid you hit V, you want invalid you hit I. Then it asks

3 some other questions like, "Repeat this -- " -- or "Priority,"

4 and we enter no. Priority meaning that if the calls are

5 backed up and a page comes in priority will put them in front

6 of those calls, okay? Then it goes to "Repeat this -- " --

7 no, it doesn't do that yet. Priority, yes or no -- "Message."

8 We put yes, message meaning it's a voice prompt telling you

9 what to do rather than some people just use beeps because it

10 saves time. After two beeps the voice page -- we enter, enter

11 a message. It'll go to "Tariff" which we don't use. It goes

12 to "Channel" which we do use depending on, you know, what

13 channel it would be on. Private carrier would be 3 in

14 Charleston. Wide area would be 2. "Type of pager," and it'll

15 ask you the type of pager. If you don't know what type it is,

16 hit question mark and it comes up "Is it POC SAG, five tone,

17 six tone, NEC," you know, all these different styles of

18 formatting a pager. So you hit that number, like let's say

19 it's a Golay, I think it's a six, so up pops a Golay. So now

20 it goes "Cap codes," so you enter in the cap code and I think

21 that's called the address, cap code. Then how many characters

22 are in this -- how many characters do you allow which you can

23 go up to 110. We use 24 on a digital. And it says, "Is this

24 correct?" and you say yes and you're done. Now, there's,

25 there's another step if you're going to chain because in that

1 sequence it also asks "Chain," I'm sorry, and this is the part

2 you wanted to -- and I apologize.

3   Q   No, that's okay. Go ahead.

4   A   In the middle there's someone where it says "Chain,"

5 and if you say yes then the screen changes. So the next one

6 would -- and it's Mr. -- oh well, whoever -- then it'll say,

7 "Chained to," and then that's where you enter in a four-digit

8 number.

9   Q   I see.

10   A   Okay. In the Commonwealth or our Commonwealth, we

11 can chain up to 25, 25 pagers. But you just keep repeating --

12 sequence you go to the next number and continue the chain

13 right, right on down up to 25.

14   Q   The saboteur would be on your terminal entering all

15 these, these commands just like that?

16   A   Very, very quickly. Yes, it takes -- I mean, I can

17 program and I'm not fast, but takes seconds to program a

18 pager.

19   Q   Okay.

20   A   I gave you a long version.

21   Q   Okay, and I also presume while the saboteur is in

22 there doing all that he also has to be careful not to, to mess

23 up the good options that you've got in there for your

24 subscribers, correct?

25   A   I don't understand what you mean.

1   Q   Well, you're saying, you know, you, you go into the

2   screen, you get a customer report up there and this is

3   somebody who wants to, to mess around with somebody on 152.48.

4   A   Um-hum.

5   Q   But the jig is up if they mess up one of your actual

6   customers because, you know, if they delete a code that your

7   customer needs for service purposes then you'll get an irate

8   call from that customer, correct?

9   A   We, we get those. We call them glitches is how we

10   explain them to the customer.

11   Q   Sure.

12   A   Things that we can't explain. Why did you get a

13   program -- excuse me, a pager yesterday, it was tested working

14   when you went out of here and tomorrow it came up invalid.

15   Q   I know that. But that's not what I'm talking about.

16   What I'm talking about is the, the saboteur having to be

17   careful that as he's entering all these chain commands for

18   existing customers of yours, that he's careful not to, to

19   eliminate or, or screw up inadvertently any real actual

20   options that your customers have, correct?

21   A   Well, I, I don't understand what you mean by

22   options, sir. I mean, their pager is working. That's all

23   they care. I mean --

24   Q   You know, some of your customers have group call

25   functions for instance, correct?

1   A   Um-hum.

2   Q   And others might have repeat call options.

3   A   Just a voice pager would be the only one that would

4 have a repeat, yeah.

5   Q   Okay, but there are a couple other -- we've heard

6 testimony about a few other options that your paging customers

7 might have, or just billing information that's -- that you

8 would see as I the saboteur have tapped in to your terminal,

9 right?

10   A   No. As I said I think twice before, we don't take

11 any of our billing information from our --

12   Q   I'm sorry.

13   A   -- our -- options, I don't, I don't -- you know, I

14 mean if you say so. I won't argue. I don't -- but I don't

15 completely understand what you're talking about.

16   Q   Again, it's just because I don't know this business

17 that well, Mr. Raymond, but my only point is that the saboteur

18 is being very careful, is he not, to be sure that this

19 particular type of interference occurs on 152.48 but that he

20 doesn't mess up any of your RCC traffic so that your customers

21 don't know what's going on, correct?

22   A   Okay. I understand what -- yes, I would, I would

23 think that they would, yes, sir.

24   Q   Okay. He enters these commands and then he, he

25 signs off and your folks because it's -- the information is

1 |stored in your computer, nobody at Capitol is going to be the

2 |wiser, correct?

3 | A   Well, you don't sign on and off. But yeah, I mean,

4 |you just get out of there and it's history, it's done.

5 | Q   Okay. So, the sabotage has, has been accomplished,

6 |saboteur logs off. Now the sabotage begins. And from the day

7 |that those commands are entered Capitol's RCC paging

8 |customers, selective ones, when that customer's pager is

9 |activated the same signal is sent through your terminal,

10 |through the dataline that's connected to 152.48. Is that how

11 |that was working?

12 | A   You know, I really don't -- we have talked to

13 |Commonwealth ever since this started. I have faxes from Wade

14 |saying, "Can this possibly happen?" "Can -- " -- and I'm

15 |sorry, it's Wade Carlton -- I mean, he's the -- a technician

16 |up there -- "Can you send two signals out, can I tell --

17 |channel 2 channel 3 at the same time?" It's impossible.

18 |Can't happen. We've argued this point because of what they're

19 |saying that the retransmissions -- you know, I said there's,

20 |there's no way. You can't send to two different channels.

21 |So, I even made Wade put it in writing to me that this can't

22 |happen. Until I came in this courtroom and found out about

23 |chaining from one channel to another, I was completely unaware

24 |that it was even remotely possible. That's when my mind

25 |really started in -- into this type of gear.

1 Q   But Mr. Raymond, not to, to quibble over this thing

2 because I, I was almost done here, but you -- just a couple of

3 minutes ago you gave me what seemed like a fairly

4 sophisticated explanation of, of just exactly how you would --

5 A   Chain.

6 Q   -- do that.

7 A   Yes. Yes. Well, you asked me how you would program

8 and get in to something. I was talking about the actual

9 function of being able to send one page out at -- to two

10 different channels, and it is impossible, okay? But by the --

11 it is impossible to send one pager out to two different

12 channels except by doing what was brought up in earlier

13 testimony by whomever RAM person -- that you chain that pager

14 from channel 2 to channel 3. I mean, I had all the evidence

15 in the world to show that you could not send out a page on

16 152.510 and the same page on 152.480, that it was absolutely,

17 totally impossible until they brought -- or someone brought up

18 the point that well, you'd chain it from channel 2 to

19 channel 3. And I called Wade and he said, "Yes, now that will

20 work." And I'm going, oh man, never realized that that --

21 Q   I see.

22 A   -- was even possible to do.

23 Q   Okay. Now, you have -- somewhere in your office

24 I've seen these racks in paging offices near your terminals

25 where as the paging signals go off the, the lights flash,

1   correct?

2   A   That is correct.

3   Q   Okay. It's sort of a visual cue that you've got

4   traffic going out of that frequency, correct?

5   A   Yes, sir.

6   Q   Okay. Now, although we're not sure how many

7   customers Capitol had on 152.48, we've established that it's,

8   it's not an awful lot, correct?

9   A   No -- not, not a tremendous amount, no, sir.

10   Q   Okay. So, on a typical day when I'm looking at

11 those flashing lights in Capitol's office on 152.48, I'm not

12 seeing a lot of red flashing lights, correct?

13   A   No, sir. As far as transmission light, no. You

14 would see a lot of red flashing lights going up and down where

15 the signal was busy. But as far as one transmit light, you,

16 you don't see --

17   Q   I appreciate the, the clarification. You, you can

18 see that the frequency is busy and there, there's a separate

19 light that lets you know if it's your traffic -- your

20 transmitting traffic?

21   A   Yes, sir. Well, the red lights quit flashing at the

22 same --

23   Q   Okay. This is a fine point, but after the sabotage

24 is done here, it seems to me once the chaining has started

25 from your RCC channel to your PCP channel and you've got this

1 racks there in that room, you got the RCC rack here and you

2 got the PCP rack there, right?

3   A   Okay.

4   Q   That's a fair approximation?

5   A   That's --

6   Q   It might be a little further than --

7   A   I won't argue with it. Go ahead, sir.

8   Q   Okay. Once that chaining sabotage has started, now

9 suddenly you should have seen an awful lot of flashing lights

10 on 152.48 because all that RCC traffic is suddenly being

11 dumped over there. Isn't that true?

12   A   Um-hum. Yes, sir.

13   Q   Okay. Well, I take it you never saw that, that sort

14 of thing occurring?

15   A   No, sir. Never once.

16   JUDGE CHACHKIN: We'll take a 10-minute recess.

17   MR. HARDMAN: Your Honor?

18   JUDGE CHACHKIN: Yes?

19   MR. HARDMAN: We asked Mr. Stone to be here, you

20 know, by about noon today for purposes of a rebuttal on a

21 conversation with Moyer. That's the only purpose that he is

22 being called for, and it seems evident that Mr. Raymond is not

23 going to finish before he's interrupted tomorrow morning. I

24 was wondering if we can find him during the break would it be

25 possible to put him on for that limited purpose before

1   Mr. Raymond resumes?

2   JUDGE CHACHKIN: Any objection?

3   MS. LADEN: Your Honor, I have no objection, but we

4 had questions of Mr. Stone and we called him for cross-

5 examination as you know and now he's been produced and we have

6 questions that we want to ask him.

7   MR. HARDMAN: He's being called as a rebuttal

8 witness for one very narrow point and as I understand the

9 rules, that's all he can be questioned on. That does not open

10 up, you know, the carte blanche questioning. I mean, if

11 that's -- if my understanding is --

12   MS. LADEN: Your Honor, the witness has material

13 evidence about things that we wanted to ask him about. We

14 asked him -- for him for cross-examination, he was not

15 produced, now he's being produced and we have a right to ask

16 him those questions.

17   MR. HARDMAN: Your Honor, I'll, I'll make it real

18 easy. If, if this is going to open up any substantial

19 question I won't put him on.

20   JUDGE CHACHKIN: All right. It's your choice. I, I

21 don't know what -- how I'll rule once the Bureau starts asking

22 questions. After all, if he has material evidence, it seems

23 to me to make a complete record the testimony should be in and

24 I'll have to listen to objections. So, once you bring him in

25 I don't know what's going to happen. I mean, the Bureau can

1 make him their own witness after you conclude your rebuttal.

2   MR. HARDMAN: You would permit that?

3   JUDGE CHACHKIN: I probably would.

4   MR. HARDMAN: Very well.

5   JUDGE CHACHKIN: All right. We're in recess.

6   (Whereupon, a brief recess was taken from 3:17 p.m.

7 until 3:27 p.m.)

8   JUDGE CHACHKIN: On the record.

9   MR. JOYCE: I have no further questions, Your Honor.

10   JUDGE CHACHKIN: Bureau have any questions?

11   MS. LADEN: Yes, Your Honor.

12   CROSS-EXAMINATION

13   BY MS. LADEN:

14   Q   Mr. Raymond, I'm Paulette Laden. I, I guess we've

15 met here earlier. When did you first become aware that RAM

16 was complaining about interference or other problems sharing

17 the frequency?

18   A   I would have to refer to my, my testimony for the

19 date. It was prior to our application being -- I mean our

20 license begin given. So, it was during our application

21 period.

22   Q   Now, it's a fact, is it not, that, that in the PCP

23 service, or at least for this frequency when you filed the

24 application you can begin to operate. Isn't that correct?

25   A   I, I thought you had to have a license to operate.

1   Q   So, is it your testimony in any event that the PCP

2 system did not begin to operate until after the license?

3   A   Absolutely. And then the corrections -- after that.

4   Q   Did you conduct any test on that frequency before

5 November of 1990?

6   A   No, ma'am.

7   Q   Was it on the air for any reason?

8   A   No, ma'am.

9   Q   So, is it your testimony that it couldn't have

10 caused interference to anybody?

11   A   It couldn't have been on at that time so it couldn't

12 have caused interference.

13   Q   Okay, and were there other complaints after that

14 time from RAM?

15   A   It's been a continuation of complaints from that

16 time.

17   Q   Okay, and, and those complaints were of different

18 types of occurrences?

19   A   Yes, ma'am. Each one seemed to, to be different.

20   Q   Okay. Now, when you became aware of each complaint

21 did you monitor the channel to determine whether there was any

22 truth to it?

23   A   What complaints that we were made aware of, we, we

24 would monitor to see if we were at fault. We would call

25 Mr. Walker. I would call back. For an example, Mr. Capehart

1 called -- and it's in my testimony, called me in an emergency

2 -- put an emergency call in to me on a Saturday morning at my

3 home and I, I remember it the same as it was yesterday. And I

4 called him back at his home and told me that he had -- there

5 was a radio station interfering with them and what are we

6 going to do about it. It was a religious broadcasting station

7 as a matter of fact and I have no idea what that was about.

8 But I put the calls out to our technician. There wasn't

9 anything -- we weren't even on the air. It was on March the

10 9th. And I still don't understand why he called me but at

11 that point, as my declaration would tell you, that I told him

12 we were planning on going on the air Monday the 11th and he

13 informed me that he had took -- inhibitor off due to this

14 interference problem from the religious broadcasting station.

15 We did go on the air Tuesday, March the 12th and the inhibitor

16 was not placed back on. Now, I placed a call to him about

17 that and that was why I was, I was talking that they can be

18 quite belligerent at times. When they called us we tried to

19 find out what was wrong which one of my declarations will,

20 will testify to. And other than that we didn't get any calls

21 from them.

22   Q   So, when you monitored to determine whether there

23 was any truth to the complaints, did you determine whether

24 there was any truth in any of those instances?

25   A   Never was able to determine any, any interference

1 that we were causing to them, ever.

2   Q   And is that also true for times when they didn't

3 contact you but perhaps filed a complaint with the FCC that

4 you became aware?

5   A   Well, if they filed a complaint with the FCC, how

6 would we know?

7   Q   Perhaps the FCC might have made you aware of it,

8 someone else might have made you aware of it.

9   A   At no time -- well, I don't know how to answer that.

10 If we were made aware of it by any party which most of these

11 things were completely news to me at later date, we checked in

12 to it. Our, our technician went out and did check it out to

13 find out if there was any problems.

14   Q   Now, there came a time didn't it when the FCC issued

15 a notice of apparent liability to Capitol?

16   A   Yes, ma'am.

17   Q   And in there it, it went through some of the reasons

18 for the notice of apparent liability. Is that correct?

19   A   I -- yes, I believe those are noted.

20   Q   After that notice of apparent liability came out,

21 did you monitor the frequency to determine whether any of

22 these problems were continuing?

23   A   I personally would not have -- that would have been

24 our technician. But there was no problems found caused by us.

25 That's why we looked forward when Mr. Walker walked into our

1 building. We were quite happy.

2   Q   Now, if you had been monitoring after the notice of

3 apparent liability, wouldn't you have picked up this

4 retransmission problem that we've been talking about?

5   A   Ma'am, I mean, I don't know. They say it happened

6 at certain times, okay? One minute, two minutes, three

7 minutes. I mean, I don't know what -- how long they say it

8 happened out, out of the time. We would have to both be

9 monitoring at the same time to pick that up. And when you've

10 got 60 minutes in an hour and 24 hours in a day, I mean, the

11 chances of us monitoring at the same time looking for

12 something would probably be unlikely. I don't know. But we

13 did not pick anything up. Just seemed like they knew when it

14 would happen and -- able to get it. If they'd have called us

15 and told us it was happening at that time, maybe we wouldn't

16 be here.

17   Q   Could you turn to Private Radio Exhibit 9, please?

18 Are you familiar with this declaration?

19   A   No, ma'am.

20   Q   Have you ever seen it before this --

21   A   I have seen it, yes, but I'm not --

22   Q   Do you recall when the first time was that you saw

23 this?

24   A   No, ma'am, I, I don't.

25   Q   At the time when you saw this declaration which

1 discusses some of the retransmission problems did you check

2 the system to see if there was any truth to this?

3   A   I'm not sure when I saw -- found out about it. I

4 don't know if this -- I don't believe this was ever given.

5 And I, I guess I'm asking for your help on this. I don't

6 think this was ever given to Capitol Radiotelephone or its

7 attorneys. I know it was not -- when RAM sent this they sent

8 it to you all, not us. I don't ever remember you all mailing

9 it to us. Do you have a possibility when, when we received

10 this or our attorney?

11   Q   Well, let me ask you this. Do you remember filing a

12 Freedom of Information Act request with the FCC?

13   A   I remember our attorney filing. But I mean, the

14 date escapes me. If you could give me the date on the

15 information I --

16   Q   This would have been in the fall of 1992 -- sometime

17 in the fall of '92.

18   A   Okay. If it would have been at that time, yes, we

19 would have checked it out. Absolutely.

20   Q   And do you remember whether this document was

21 included in that response to that Freedom of Information Act

22 request?

23   A   Honestly, I do remember the term Hark verifier, but

24 I don't remember this explicit document.

25   Q   Now, you indicated that RAM had made repeated

1 complaints about interference and other problems with the

2 sharing of the frequency.

3   A   Yes, ma'am.

4   Q   When you became aware of these complaints, what

5 steps -- what if any steps did you take to resolve them?

6   A   From, from what point, ma'am?

7   Q   From --

8   A   It's been going --

9   Q   Did you discuss -- did you have any discussions with

10 people at RAM about this?

11   A   We first put our system on in March.

12   JUDGE CHACHKIN: '91?

13   MR. RAYMOND: We -- the license September of '90.   I

14 believe we went on in March of '91.   The reason I know that is

15 because we didn't even have the information to go on until

16 March because of the, the control points and so on and so

17 forth which we furnished you all that in, in your discoveries.

18   JUDGE CHACHKIN: Was it 1990 or 1991 you went on?

19   MR. RAYMOND: We got our license in September of

20 '90.   We would have went on in March of '91.   From the

21 conception of this we've had nothing but filings from, from

22 RAM's counsel to the FCC.   So, it has not stopped from that

23 December time, or whenever the first was filed up till this

24 day.   So, has every single one of them been looked at?

25 Absolutely.   Any time we, we receive a question we look at --

1 we went into this and when we turned it on -- when we turned

2 the system on we knew we were being watched. I mean, when you

3 go through a year of motions and stays and this and you

4 finally get your license, you don't think that people are

5 going to say well, okay, they got it. We knew that RAM's

6 personnel would watch us like a hawk, okay? And, you know, we

7 aren't stupid, I'm sorry. And why would we blatantly go out

8 and do something when we know they're watching us, they didn't

9 want us to have it from the beginning, they tied, they tied a

10 license that couldn't even be argued up for a year and a half.

11 And then would we go on and do something wrong?

12   BY MS. LADEN:

13   Q   Well, my question was did you ever discuss these

14 problems with anyone at RAM?

15   A   I talked -- spoke to Dale Capehart. I know that

16 when he called me at home. I kept communication back. When

17 he called me at home and talked about a religious radio

18 broadcasting I contacted him and kept in touch with him -- he,

19 he found out it wasn't use. He called me at the office one

20 time with another problem, he said we were causing

21 interference and, you know, I told him we'd try to get a

22 technician out. He got real mad -- said, "Okay. I'll get out

23 one out," didn't. But then he said, well, the problem got

24 resolved because I did follow-up. One time I called him about

25 an interference problem and, and it may have been on March the

1 12th, I can't testify to the date. He was so belligerent and

2 I won't even go into the exact word in the courtroom, but the

3 gist was, you know, "You all ain't trying to do nothing but

4 aggravate us. Get off our frequency, you know, and leave us

5 alone."

6   Q   Did you ever call and say, "Look here, let's all go

7 and have lunch and, and work this out, I mean, this is just

8 not any fun?" Did you all ever sit down and, and try to

9 hammer it out?

10   A   I don't remember them calling us either. So, no. I

11 mean, it was quite obvious that they were the one on the

12 attack so I, I just didn't feel right calling the attacker and

13 say let's go, let's go have lunch. If they wanted to work it

14 out -- we had been granted the license. At that point in time

15 I think as a courtesy they should have called us and said

16 let's work it out because they're the one that had started

17 all --

18   Q   Are you aware of the fact that the Commission's

19 rules require people who are receiving interference as well as

20 people who are causing interference to try to resolve the

21 problems?

22   A   Yes. When they're aware of it. And that's why

23 there's been so many numerous calls to, to Mr. Walker from

24 Capitol's part. Now, we don't write a whole lot of letters,

25 but we made a lot of calls. I made videotapes and sent the

1   videotapes to Mr. Walker, to Mr. Moyer, to Mr. Hardman, trying

2   -- and, and this isn't audio, this was audio/video with dates

3   transposed on it, with times transposed on it, showing that we

4   had a problem and we needed some help, okay? Now, I call that

5   at least I communicated, you know, and said we got a problem.

6   Now, you know, evidently they didn't think we did.

7   Q   All right. Now, before the FCC inspectors came,

8   there had been some complaints about interference from RAM.

9   And when the inspectors came in they found testing was

10   happening, testing your -- is that correct?

11   A   Yes, our testing.

12   Q   Now, when you found out that RAM was complaining

13   about interference did you stop this testing?

14   A   No, ma'am. I don't call that interference. I don't

15   call testing interference when our inhibitor is working and,

16   and by their admissions that, you know, it wouldn't all come

17   out, you know, it would be held up and then a stream would

18   come out. That is -- that's to me being nontechnical, that

19   means the inhibitor is working holding it back. We tested

20   for, for specific reasons. For range, for dependability. I

21   do not call that interference.

22   Q   Could you turn to Capitol Exhibit 13, please? Do

23   you remember receiving this letter?

24   A   Yes, ma'am. That was after a conversation I had had

25   with Dale Capehart. And that's probably the day that he got

1 belligerent with me and the letter came out the next day. I

2 said it was in the first part of March. And he had came up

3 with this, this idea here.

4   Q   Okay. This idea would be to connect the paging

5 terminals by wire line.

6   A   Um-hum.

7   Q   Correct? And what was your response to that?

8   A   Ma'am, I did not make a response to this. There is

9 nothing in writing. I was not interested in this and I --

10 this is testimony that we had prior discussed in, in this

11 courtroom. And by RAM's own admission they, they -- they get

12 along real well with that Kentucky college without an

13 interconnect wire, you know, they're just doing it with an

14 inhibitor. And I saw no reason to go to any more expense with

15 a private carrier when we couldn't even utilize it now when

16 the law says -- your law, NABER's law -- said that you used an

17 inhibitor, you are to give air time. I, I didn't see where a

18 -- tying our systems together with the possibility of them

19 controlling it -- I'd had enough trouble with long-distance

20 telephone savers by our Ashland numbers getting locked up, by

21 being thrown off their system. You know, we just ain't in the

22 habit of keep picking up a hot skillet.

23   Q   Well, wouldn't this wire-line connection have solved

24 some of the problems that they were complaining about?

25   A   I don't know. Not when -- you know, we had a wire

1 line with Ashland numbers in our RCC but they always got

2 locked up. But when we would call long-distance telephone

3 savers they would get untied up while we were put on hold.

4 And, and I believe some of it. Mr. Moyer and Mr. -- they had

5 put new circuitry in, you know, and they were having problems

6 with it. And I'm not saying -- but, you know, I don't, I

7 don't want to do that anymore.

8   Q   Okay. I believe you testified that there is a

9 paging terminal in Charleston and there's another paging

10 terminal in Huntington. Is that correct?

11   A   I have a paging terminal in Charleston and it's

12 a -- I think the proper word would be a concentrator. It just

13 ships them down to the terminal in Charleston.

14   Q   Okay. Can you control the function of each one of

15 those two pieces of equipment from -- in other words, can you

16 control the terminal in Charleston from Huntington?

17   A   No.

18   Q   And can you control the terminal in Huntington from

19 Charleston?

20   A   Now, we are talking about terminals, not base

21 stations. Am I correct?

22   Q   We're talking about the terminal, yes.

23   A   Okay. Explain to me what you mean control, if you

24 don't mind, please.

25   Q   Well, I'll ask you what I, what I mean. Could you

1 control the test-paging function when you had the auto test?

2   A   I believe at the time, I believe at the time during

3 the inspection, if that's what you're specifying, we did not

4 have, we did not have our computer system in. We have an SCI

5 network system now. At that time, I believe that the

6 paging -- when Huntington needed a page or a program say to

7 activate it, they would have to call the Charleston office and

8 it would be activated from there. Same as like our

9 Parkersburg office, and Beckley offices. They, they still

10 must call in to Charleston because we haven't networked all

11 the other offices together. Today, we, we have a new computer

12 system that we can do remote operations from Charleston into

13 the Huntington area.

14   Q   So, are you saying that if you wanted to turn on or

15 turn off the test pager -- the test-paging function you would

16 have to do it from Charleston?

17   A   Well, I, I don't -- at one time, yes.

18   Q   I'm talking about August of 1991, when the, when the

19 inspection took place.

20   A   My answer to your prior question was I do not know

21 if our SCI equipment was in operation at that time. I don't

22 know if we had that data line tying the computers in at that

23 time. I'm not -- I don't know.

24   Q   Do you know if at that time, in August of 1991,

25 whether the modem in Huntington was what is known as a dial-up